APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,601	12/18/2000	Larry J. Rapp	TIM 1618--005	4763

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EXAMINER
MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/741,601	RAPP ET AL.
		Examiner	Art Unit
		Jan Mooneyham	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 April 2004*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.
    4a) Of the above claim(s) *15-20* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-14* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All b) ☐ Some * c) ☐ None of:
     1. ☐ Certified copies of the priority documents have been received.
     2. ☐ Certified copies of the priority documents have been received in Application No. _____.
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on April 22, 2004, wherein:

Claims 1-14 are currently pending in this application.

Claims 1, 3, and 8-14 are currently amended.

Claims 15-20 have been withdrawn.

No claims have been added.

Information Disclosure Statement

2.   The information disclosure statement (IDS) re-submitted on December 22, 2003 is being

considered by the examiner.

Response to Amendment

Claim Rejections - 35 USC § 101

3.   The applicant has amended claims 8-14. Therefore, the rejection under 35 U.S.C. Section

101 is hereby *withdrawn*.

Claim Rejections - 35 USC § 112

4.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. The language "and performed at said vendor's location" is unclear. Is the selection

performed at the vendor's location or the service? Furthermore, the term service providers is not

clearly defined in the claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

O'Connor et al. (US 2001/0011225) (hereinafter referred to as O'Connor).

Referring to Claims 1 and 3:

O'Connor discloses web server having an appointment scheduling software application

((Fig. 1) page 1 [0008]) and a central database repository at said web server for storing

appointment data based on said customer's selections (Fig. 1, page 1, [0007].

O'Connor further discloses receiving a customer's selection of a vendor, a service, a data,

and a timeslot for said customer to receive said service from said service provider, wherein said

customer selects said date and said timeslot from an appointment book presented to said

customer with dates and timeslots specific to said service provider (page 1[0007].

O'Connor does not disclose an "add-on service related to said service and performed at

said vendor's location, and a service provider at said vendor to provide said service" or "an

adjacent service related to said service to said customer." However, this difference is only found

in the nonfunctional descriptive language describing the intended use of the software.   It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

provide for additional, add-on, or ancillary services to be performed by the software since this

adds little, if anything, to the claimed structure and thus does not serve as a limitation on the

claims to patentably distinguish over the prior art.

Referring to Claims 2-6:

Although O'Connor discloses a customer vendor selection (Fig. 3), the fact that the

vendor selection is a selection from a group consisting of personal care vendors, health care

vendors, and auto care business, that the repository can store customer profile information, that

the software is adapted to send an email confirmation, or that the software is operation at a web

site for said vendor, or that the web server has an appointments page is all nonfunctional

descriptive language. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to include any of these limitations since they add little, if anything, to the

claimed structure and thus do not serve as a limitation on the claims to patentably distinguish

over the prior art.

6.   **Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

O'Connor et al (Pub. No.: US 2001/0011225) (hereinafter referred to as O'Connor) in view

of Glazer et al. (US 2002/0032588) (hereinafter referred to as Glazer) and further in view of

Breitenbach et al. (US 2002/0016729) (hereinafter referred to as Breitenbach).

Referring to Claim 8:

O'Connor discloses a computerized method for scheduling an appointment comprising

the steps of: prompting a customer to select a vendor (Fig. 3, page 1 [0009], col. 2

[0023]);

prompting said customer using a computer to select a service (page 1, [0007];

prompting said customer using said computer to select a service provider at said vendor

(page 3, [0032];

prompting said customer using said computer to select a date to receive said selected

service to said customer (Fig. 2, page 3 [0031];

prompting said customer using said computer to select a time to receive said selected

service (page 3 [0031]; prompting said customer to select an add-on service based on said

selected vendor, said selected service, said selected service provider, said selected date,

and said selected time (page 1 [0010], page 3 [0029-0030]; and

updating a central appointment repository based on said selected vendor, said selected

service, said selected service provider, said selected date to receive said selected service, said

selected time to receive said selected service, and said selected add-on service [page 1 [0011],

page 4 [0038].

O'Connor does not disclose presenting to said customer an appointment book of dates

and timeslots for said service provider to provide said service to said customer and said

customer's selection from said appointment book of a data to receive said selected service and

customer's selection of a time to receive said service. However, Glazer discloses presenting to

said customer an appointment book of dates and timeslots for said service provider and said

customer's selection from said appointment book of a data to receive said selected service and

customer's selection of a time to receive said service (Fig. 2., page 1 [0007]).

It would have been obvious to one of ordinary skill in the art to incorporate into the method of O'Connor the teachings of Glazer since a system like this is easily used by the customer and easily controlled by the sponsor (page 1 [0004]).

O'Connor does not specifically disclose prompting said customer to select an add-on service. However, Breitenbach discloses a method which allows an individual to schedule an event and also schedule one or more ancillary tasks and sub-tasks associated with the event (page 5 [0072]).

It would have been obvious to one of ordinary skill in the art to incorporate into the method of O'Connor the ancillary tasks and sub-tasks software as taught in Breitenbach because it allows for more efficient and accurate scheduling (page 2 [0014].

Referring to Claim 9:

O'Connor discloses the computerized method of claim 8 wherein the step of prompting said customer to select a service comprises the step of prompting said customer to select one of a plurality of services from a menu (page 3 [0031]).

Referring to Claim 10:

Breitenbach further discloses the computerized method of claim 9 wherein the step of prompting said customer using a computer to select an add-on service comprises the steps of:

identifying a service to be performed at the same time as the selected service (Fig. 7 (66)

identifying a service provider who can perform said identified service; and presenting said identified service to said customer (Fig. 7, 67).

Referring to Claim 11:

Breitenbach discloses the computerized method of claim 8 further comprising the step of prompting said customer using said computer to select an adjacent service and performed at said vendor's location (Fig. 6).

Referring to Claim 12:

Breitenbach further discloses the computerized method of claim 11 wherein the step of prompting said customer using said computer to select a service comprises the steps of:

identifying a service to be performed before or after the selected service (Fig. 6);

identifying a service provider who can perform said identified service; and presenting said identified service to said customer (Fig. 6, Fig. 8).

7.   **Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor as applied to claim 8 above, and further in view of Mozayeny et al. (US 2002/0035493).**

Referring to Claim 13:

O'Connor does not disclose the method of claim 8 wherein the step of prompting said customer to select a time to receive said selected service comprises the step of prompting said customer to select a time at which another customer has scheduled an appointment.

However, Mozayeny discloses a method wherein the step of prompting said customer to select a time to receive said selected service comprises the step of prompting said customer to select a time at which another customer has scheduled an appointment (Page 14, [00137], Figs. 1-10, 13).

It would have been obvious to one of ordinary skill in the art to incorporate into O'Connor the teachings of Mozayeny since it allows multiple parties or entities to communicate

with each other as well as with the other party or entities of the other party when scheduling and making reservations (page 1[0005-0006].

Referring to Claim 14:

Mozayeny further discloses the method of claim 8 further comprising the step of sending a email to said customer confirming said selected vendor, said selected service, said selected service provider, said selected date to receive said selected service, said selected .time to receive said selected service, and said selected add-on service (page 2 [0014]- appointment information can be automatically went to the first party or second party via email, fax, or IVR).

Response to Arguments

Applicant's arguments filed on April 22, 2004 have been fully considered but they are not persuasive.

The applicant argues in the first paragraph of page 10 that O'Connor does not disclose receiving a customer's selection of service provider to provide the service to the customer, a timeslot for the customer to receive the service from the specified service provider, or an appoint book presented to the customer with dates and timeslots that are specific to the service provider. The Examiner directs the applicant's attention to page 1 [0007]. O'Connor identifies the invention as an Internet-connected appointment server executing a software suite with one or more subscriber business to the service. The appointment server presents an interactive interface to the browsing clients, the interactive interface enabling the clients to select the businesses and make an appointment or reservation with the business. Thus, O'Connor discloses a selection of a service provider (select the business).

As for the "add-on" services of Claim 1, O'Connor discloses a an Internet connected appointment server executing software that allows for the client to select the businesses (plural) and make an appointment or reservation. The server of O'Connor is fully capable of scheduling multiple services (see Fig. 3). Furthermore, the server of O'Connor is fully capable of performing add-on services. For example, nail services can be a manicure and a pedicure. A hairdresser appointment can be for a cut and color. The services are also performed at the vendor's location.

As for the applicant's argument that Breitenbach does not disclose prompting a customer to select an add-on service, the Examiner respectfully disagrees. Breitenbach discloses a method for scheduling events and associated products and services (page 1 [0002]). Breitenbach has defined the term event broadly on page 5 [0074]. The term event is broad enough to encompass appointments since it includes a gathering of or communication between more than one person at a specific time. The term services is also broadly defined. Breitenbach discloses a method of scheduling an event and the products or services associated with the event (page 6 [0006]). The motivation is to produce productivity and reliability. O'Connor already teaches an interactive interface enabling the clients to select the business and make an appointment or reservation with the business. Furthermore, O'Connor discloses nail services, and hairdresser services. By the very nature of these services, there is usually multiple services scheduled at one time. As stated above, nail services generally allow one to schedule a manicure and a pedicure. A hairdresser allows one to schedule a cut and color. Therefore, one would have been motivated to combine the disclosure of O'Connor with the teachings of Breitenbach.

As for the applicant's argument that Glazer does not disclose presenting an appointment book of dates and timeslots for a service provider, the Examiner directs the applicant to page 1 [0007].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
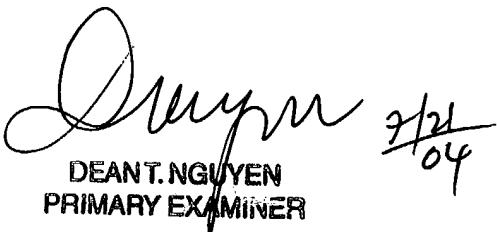
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

DEAN T. NGUYEN
PRIMARY EXAMINER